

1652/\$a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jalkanen *et al.*

Appl. No.: 10/005,647

Filed: December 7, 2001

For: **Glucuronyl C5-Epimerase, DNA
Encoding the Same and Uses
Thereof**

Confirmation No.: 9088

Art Unit: 1652

Examiner: Charles L. Patterson, Jr

Atty. Docket: 1708.0280002

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated February 5, 2004, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group XIV, represented by claims 1-11 and 15-18. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse.

The search would not be undue. The search for a polynucleotide that encodes a polypeptide at least 80% or 95% identical with amino acids 1-618 of Figure 3 will also identify fragments of the polypeptide sequence that possess the appropriate sequence identity.

Even if all the groups are not rejoined, Applicants respectfully request rejoinder of Group XI (claims 1-11 and 15-18) with the elected Group XIV. Group XI is directed

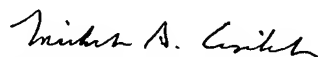
to a polynucleotide that encodes the polypeptide that is at least 80% or 95% identical with amino acids 34 to 154 of Figure 3, and a method of increasing activity of C5-epimerase. A search of the whole sequence of amino acids 1-618 of Figure 3 as in the elected group will also reveal any hits against the same level of homology but against amino acids 34 to 154 of Figure 3. Therefore, there would not be an undue search burden on the Examiner.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: April 5, 2004

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